THE VIRGINIA GAZETTE, AND GENERAL ADVERTISER.

RICHMOND—PRINTED (EVERY WEDNESDAY AND SATURDAY) BY AUGUSTINE DAVIS—AT FOUR DOLLARS PER ANNUM, PAID IN ADVANCE.

No. 1273.] SATURDAY, DECEMBER 22, 1804. [VOLUME XIX.

Virginia:

At a Superior Court of Chancery held at the Capitol in the city of Richmond the 20th day of Sept. 1804,

Between

John Gray, *Plt.*

And

—— Barwise, adm'x. of Thomas Barwise, dec. Robert Patton and Company, Murray, Grinnan and Mundell, Robert Walker and John Scott & Company, *Defts.*

THE defendant —— Barwise, adm'x. of Thomas Barwise, dec. not having entered her appearance and given security according to the act of assembly and the rules of this court, and it appearing to the satisfaction of the court, that she is not an inhabitant of this country: On the motion of the plaintiff, by his counsel, *It is ordered*, That the said defendant do appear here on the first day of the next term, and answer the bill of the plaintiff; and that a copy of this order be forthwith inserted in some newspaper published in the city of Richmond for two months successively, and posted at the front door of the Capitol in the said city.

A Copy—Teste, PETER TINSLEY, c. c.

Virginia:

At a Superior Court of Chancery held at the Capitol in the city of Richmond the 20th day of Sept. 1804,

Between

Robert Beverley, *Plt.*

And

—— Barwise, adm'x of Thomas Barwise, dec. Robert Patton and Company, Murray, Grinnan and Mundell, Robert Walker and John Scott and Company, *Defts.*

THE defendant —— Barwise, adm'x. of Thomas Barwise, dec. not having entered her appearance and given security according to the act of assembly and the rules of this court, and it appearing to the satisfaction of the court, that she is not an inhabitant of this country: On the motion of the plaintiff, by his counsel, *It is ordered*, That the said defendant do appear here on the first day of the next term, and answer the bill of the plaintiff; and that a copy of this order be forthwith inserted in some newspaper published in the city of Richmond for two months successively, and posted at the front door of the Capitol in the said city.

A Copy—Teste, P. TINSLEY, c. c.

Virginia:

At a Superior Court of Chancery held at the Capitol in the city of Richmond the 20th day of Sept. 1804,

Between

Francis Brooke, assignee of the estate and effects of William S. Stone, a declared bankrupt, *Plt.*

And

—— Barwise, adm'x. of Thomas Barwise, and Robert Patton and Company, *Defts.*

THE defendant —— Barwise, adm'x. of Thomas Barwise, dec. not having entered her appearance and given security according to the act of assembly and the rules of this court, and it appearing to the satisfaction of the court, that she is not an inhabitant of this country: On the motion of the plaintiff, by his counsel, *It is ordered*, That the said defendant do appear here on the first day of the next term, and answer the bill of the plaintiff; and that a copy of this order be forthwith inserted in some newspaper published in the city of Richmond for two months successively, and posted at the front door of the Capitol in the said city.

A Copy—Teste, P. TINSLEY, c. c.

Virginia:

At a Superior Court of Chancery held at the Capitol in the city of Richmond the 20th day of Sept. 1804,

Between

Reuben Garnett, *Plt.*

And

—— Barwise, adm'x. of Thomas Barwise, Robert Patton and Company, John Scott, Robert Walker, William S. Stone, Thomas Goodwin, Carter Beverley, George Buckner, David Henderson and Francis Corbin, *Defts.*

THE defendant —— Barwise, adm'x. of Thomas Barwise, dec. not having entered her appearance and given security according to the act of assembly and the rules of this court, and it appearing to the satisfaction of the court, that she is not an inhabitant of this country: On the motion of the plaintiff, by his counsel, *It is ordered*, That the said defendant do appear here on the first day of the next term, and answer the bill of the plaintiff; and that a copy of this order be forthwith inserted in some newspaper published in the city of Richmond for two months successively, and posted at the front door of the Capitol in the said city.

A Copy—Teste, P. TINSLEY, c. c.

Virginia:

At a Superior Court of Chancery held at the Capitol in the city of Richmond the 26th day of Sept. 1804,

Between

Seth Barton, *Plt.*

And

Charles Davis and Thomas Fisher, merchants; Thomas Glenn, Adam Douglass, and Atwell and Smith, *Defts.*

THE defendants Charles Davis and Thomas Fisher, not having entered their appearance and given security according to the act of assembly and the rules of this court, and it appearing to the satisfaction of the court, that they are not inhabitants of this country: On the motion of the plaintiff, by counsel, *It is ordered*, That the said defendant do appear here on the first day of the next term, and answer the bill of the plaintiff; and that a copy of this order be forthwith inserted in the city of Richmond for two months successively, and posted at the front door of the Capitol in the said city.

A Copy—Teste, P. TINSLEY, c. c.

Virginia:

At a Superior Court of Chancery holden in Richmond, the 20th day of September, 1804,

Between

Robert Bailey, *Plt.*

And

John A. Still and Bartlett Still, *Defts.*

THE defendant John A. Still, not having entered his appearance and giving security according to the act of assembly and the rules of this court, and it appearing to the satisfaction of the court, that he is not an inhabitant of this country: On the motion of the plaintiff, by counsel, *It is ordered*, That the said defendant do appear here on the first day of the next term, and answer the bill of the plaintiff; and that a copy of this order be forthwith inserted in some newspaper published in the city of Richmond for two months successively, and posted at the front door of the Capitol in the said city.

A Copy—Teste, P. TINSLEY, c. c.

Virginia:

At a Superior Court of Chancery held at the Capitol in the city of Richmond the 20th day of September, 1804,

Between

John Taylor, *Plt.*

And

—— Barwise, adm'x. of Thomas Barwise, Robert Patton and Company, and Robert Walker, *Defts.*

THE defendant —— Barwise, adm'x. of Thomas Barwise, deceased, not having entered her appearance and given security according to the act of assembly and the rules of this court, and it appearing to the satisfaction of the court, that she is not an inhabitant of this country: On the motion of the plaintiff, by his counsel, *It is ordered*, That the said defendant do appear here on the first day of the next term, and answer the bill of the plaintiff; and that a copy of this order be forthwith inserted in some newspaper published in the city of Richmond for two months successively, and posted at the front door of the Capitol in the said city.

A Copy—Teste, P. TINSLEY, c. c.

Virginia:

At a Superior Court of Chancery held at the Capitol in the city of Richmond the 20th day of September, 1804,

Between

John Brownlow, *Plt.*

And

—— Barwise, adm'x. of Thomas Barwise, dec. Robert Patton and Company, and Robert Walker, *Defts.*

THE defendant —— Barwise, adm'x. of Thomas Barwise, dec. not having entered her appearance and given security according to the act of assembly and the rules of this court, and it appearing to the satisfaction of the court, that she is not an inhabitant of this country: On the motion of the plaintiff, by his counsel, *It is ordered*, that the said defendant do appear here on the first day of the next term, and answer the bill of the plaintiff; and that a copy of this order be forthwith inserted in some newspaper published in the city of Richmond for two months successively, and posted at the front door of the Capitol in the said city.

A Copy—Teste, P. TINSLEY, c. c.

Virginia:

At a Superior Court of Chancery held at the Capitol in the city of Richmond the 22d day of September, 1804,

Between

David Briggs, *Plt.*

And

Gaven Lawson, William Fitzhugh, Thomas Fitzhugh, trustees of Robert Carter, dec. and Robert Carter, Walker R. Carter, John Carter and Charles L. Carter, *Defts.*

THE defendants Gaven Lawson and William Fitzhugh, not having entered their appearance and given security according to the act of assembly and the rules of this court, and it appearing to the satisfaction of the court, that they are not inhabitants of this country: On the motion of the plaintiff, by his counsel, *It is ordered*, That the said defendants do appear here on the first day of next term, and answer the bill of the plaintiff; and that a copy of this order be forthwith inserted in some newspaper published in the city of Richmond for two months successively, and posted at the front door of the Capitol in the said city.

A Copy—Teste, P. TINSLEY, c. c.

Virginia:

At a Superior Court of Chancery held at the Capitol in the city of Richmond the 21st day of September, 1804,

Between

Clara Horton, *Plt.*

And

Elijah Horton, *Deft.*

THE defendant not having entered his appearance and given security according to the act of assembly and the rules of this court, and it appearing to the satisfaction of the court, that he is not an inhabitant of this country: On the motion of the plaintiff by his counsel, *It is ordered*, That the said defendant do appear here on the first day of the next term, and answer the bill of the plaintiff; and that a copy of this order be forthwith inserted in some newspaper published in the city of Richmond for two months successively, and posted at the front door of the Capitol in the said city.

A Copy—Teste, P. TINSLEY, c. c.

Virginia:

At a Superior Court of Chancery, held at the Capitol in the city of Richmond, the 3d day of October, 1804,

BETWEEN

Dudley Holt and Thomas Spragins, *Plaintiffs*,

AND

Thomas Cocke and Richard Cocke, *Defendants*.

THE defendant, Thomas Cocke, upon whom an attachment for his contempt in not answering the bill of the plaintiffs, hath been returned executed, still failing to answer the same, the court, this third day of October, in the year one thousand eight hundred and four, upon the motion of the plaintiffs, by their counsel, doth take their bill for confessed, as to that defendant; and will proceed, at a future day, to decree the matter thereof, unless the said defendant, on or before the tenth day of the term next after he shall have been served with a copy of this order, shew cause to the contrary.

P. TINSLEY, c. c.

Virginia:

At a Superior Court of Chancery held at the Capitol in the city of Richmond the 22d day of September, 1804,

Between

Robert Dunbar, *Plt.*

And

James Home, John Home, George Logan, jun. and Helen his wife, and Alexander Vass, adm'r. of Patrick Home, dec. and James Blair, surviving executor of Henry Mitchell, dec. *Defts.*

THE defendants James Home, John Home, George Logan, jun. and Helen his wife, not having entered their appearance and given security according to the act of assembly and the rules of this court, and it appearing to the satisfaction of the court, that they are not inhabitants of this country: On the motion of the plaintiff, by his counsel, *It is ordered*, That the said defendants do appear here on the first day of the next term, and answer the bill of the plaintiff; and that a copy of this order be forthwith inserted in some newspaper published in the city of Richmond for two months successively, and posted at the front door of the Capitol in the said city.

A Copy—Teste, P. TINSLEY, c. c.

For Sale,

YARMOUTH,

LYING in James City county, on Chickahomony River, ten miles from Williamsburg. The improvements are, a two story brick house, with two rooms and a passage above and below; portico's on each side; a large and capacious barn, and three other out-houses. The whole tract, including an Island, in view of the house, high and low land with marshes, contains about 2700 acres; scarcely one third of which is cleared. Two thirds of the Island is arable, which, with the land adjoining the house, is of superior quality. Adjacent to the Island are two bold and navigable creeks with a convenient landing to each. The range for cattle is very extensive, and the marshes and meadows will supply an abundance of hay. Fish and wild fowl, in their respective seasons, may with ease be obtained at your door. The orchards, consisting of the greatest variety of all kinds of fruit, selected with care, are now in their prime. The terms will be made known by William Berkeley, of Richmond, William Randolph, of Wilton, or the subscriber. PEYTON RANDOLPH, Jun.

For ELIZ. INNES.

November 6th, 1804.—(2w N.—law D. & J 2am af. tf.)

Fall and Fashionable Goods.

ROBERT JOHNSTON,

IS now opening a general and well selected Assortment of FALL and FASHIONABLE

GOODS,

Which he will sell on moderate terms for Cash, Produce, or at a short credit, by WHOLESALE or RETAIL;

Among which are:

Superfine & coarse Cloths,
Cassimeres & Coatings,
Manchester & patent Cords,
Swansdowns and Flannels,
Rose, point and duffil Blankets,
Boys Morocco Caps,
Ladies Shoes and Slippers,
Steel Backboards & Collars,
Oil Cloths and Oil Stones,
Irish Linens and Brown Hollands,
Russia and Irish Sheetings,
German Osnaburgs and Ticklenburgs,
Chintzes, Calicoes & Cambricks,
India Lustrings and Sattins,
Ironmongery and Cutlery,
Gun Powder and Patent Shot,
Looking-Glasses and Thermometers,
Whips, Spurs, &c. &c. &c

Nov. 8. 8t

To be Sold,

At Public Auction, before the door of the Union Tavern, on the first day of January next, four likely

Negro Fellows & a Woman,

BELONGING to the estate of William Harris, dec. The terms will be made known on the day of sale.

THOMAS HARRIS, Adm'r.

October 19th, 1804. tds

Elegant Piano Fortes for sale.

HENLEY & Co.

Grand, Portable Grand, Patent Side-Board, and Plain PIANO FORTE MAKERS,

INFORM the citizens of Richmond, they manufacture Instruments of the above description, on the newest and most approved plans, with Pedal's Patent Swell, Sonophant and French Harp Stop, which they warrant to be equal, if not superior, to any imported, and on more reasonable terms.

Musical Instruments, of all kinds, repaired, &c.—Apply at Mr. Prichard's Book-Store, Main-street, or at Wm. Davidson's.

July 17th, 1804.

Runaways in the City Jail.

DAVY, a Negro man, 5 feet 7 inches high, says he belongs to Mr. Caleb Ralle, or Rawle, of the county of Amherst, on Pedley river, about 6 miles from James river, and 20 from the court house, and was hired this year to Lavender London, as a boatman. His owner is requested to send for him, to WILLIAM ROSE, Keeper.

Richmond, December 12, 1804. oawtf

JOHN, a yellowish Negro, about 23 or 24 years old, 5 feet 7 inches high, has a good set of teeth, and is likely, says he belongs to Mr. John Standup, or Standolph, a German, who lives about 10 miles beyond Lexington in the county of Rockbridge, not far from General Bowyer's. He says he was going down below York-Town to see his relations, when he was apprehended about ten miles from the city. His owner is requested to send for him, and upon proving his property, will be delivered, by

WILLIAM ROSE, Keeper.

Richmond, December 12, 1804.

HARRY, sometimes calls himself Harry Jackson, and pretends to be a free man, but is well known to be a slave. He was sold last spring, out of the estate of Otway Byrd, Esq. deceased, by Mr. Theo. Armistead, merchant, in Norfolk, to some gentleman residing in the lower counties of N. Carolina. He is a very likely yellow fellow, 5 ft. 5 inches and a quarter high, and well known in Norfolk and this city. His owner is requested to come or send for him, and on proving his property, will be delivered, by

WILLIAM ROSE, Keeper.

Richmond, December 13, 1804.

Irish Linens & 5-4 Irish Sheetings.

THE subscribers have just received from Belfast, a handsome assortment of 7-8 and 4-4 IRISH LINENS, and 5-4 IRISH SHEETINGS, which they will sell on moderate terms.

ELLIS & ALLAN.

Richmond, December 17, 1804 ep4w

NOTICE.

AS there will be no business done at the *Bank of Virginia* on Tuesday the 25th inst. nor on Tuesday the 1st day of January, paper for discount must be lodged on the Saturdays preceding those days respectively, and will be acted upon on the Mondays.

All payments which fall due on Christmas day, or the first day of January, must be made on the Mondays preceding. J. BROCKENBROUGH, Cashier.

Dec. 18th, 1804.

CONGRESS.

HOUSE OF REPRESENTATIVES.

Tuesday, December 4.

PROCEEDINGS

RELATIVE TO THE IMPEACHMENT OF JUDGE CHASE.

(*Continued from our last.*)

The question on agreeing to the third article was taken by ayes and noes, and are as follow, viz.

Yeas.—Messrs. Alston, jun. Anderson, Archer, Bard, Bedinger, Bishop, Blackledge, Boyd, Boyle, Brown, Bryan, Butler, G. W. Campbell, Casey, Claiborne, Clark, J. Clay, M. Clay, Conrad, Crowninshield, Cutts, Dawson, Dickson, Earle, Early, Elmer, Eppes, Findley, Gellespie, Goodwyn, Gray, Gregg, Hasbrouck, Heister, Holland, Holmes, Jackson, Jones, Kennedy, Knight, Larned, Leib, Lucas, M'Cord, M'Creery, Meriwether, N. R. Moore, T. Moore, Morrow, Mott, Nelson, New, Newton, jun. Nicholson, Olin, Palmer, J. Randolph, T. M. Randolph, J. Rea, (of Pennsylvania) J. Rhea, (of Tennessee) Riker, Rodney, Root, Sammons, Sadford, Seaver, Sloan, Smilie, Southard, Stanford, Stanton, Stewart, Thomas, Thomson, Trigg, Van Horne, Vanum, Whitehill, Williams, Wilson, Winn, Winston, Wynns—83.

Nays.—Messrs. Baldwin, Betton, J. Campbell, Chamberlin, Chittenden, Clagett, Cutler, Dana, Davenport, Dwight, Elliott, Goddard, Griffin, G. Griswold, R. Griswold, Hastings, Hough, Hunt, Lewis, jun. Livingston, Lowndes, Mitchell, Plater, Purviance, J. C. Smith, J. Smith, Stedman, Stephenson, Taggart, Tallmage, Tenney, Thatcher, Tibbitts, Wadsworth—34.

The fourth article being under consideration,

Mr. Elmer was not satisfied with that part of the article which charges the judge with criminal conduct in his choice of words; in conflicting with the prisoner's counsel; the expressions on both sides might have been unusual and rude, for from the statement of the trial it appears that there was some considerable altercation, and he could not see from the evidence how far the conduct of the counsel for the prisoner was correct; perhaps they might have furnished some cause for reprehension or have excited such a sentiment in the mind of the judge. The other parts of the article he considered of the highest moment, and should give them his highest approbation.

Mr. J. Randolph observed to the gentleman, that he might attain his object by moving to strike out the parts he disliked.

Mr. Elmer believed he could reach his object in that way, and thereupon moved to strike out the third and fourth sections of the article.

Mr. Jackson hoped the gentleman would not persist in his motion, and requested him to cast his eye over the sixth article of the amendment to the constitution, where he would find that the accused person has a right secured to him on his trial to be assisted by counsel in his defence. If the counsel are deterred from rendering that assistance by the rude and insolent conduct of a judge, such judge may say peremptorily that counsel shall not be heard. It is the same thing in the end, and whatever way it is brought about, it is a heinous crime on the part of the judge, who may in this way become paramount to both the law and the constitution, if such things are permitted with impunity. In the present case he deemed the third and fourth sections to be of importance, and trusted that if the mover persisted, he would be defeated.

Mr. Elmer acknowledged that indubitably every man had a right to be heard by counsel in his defence, but a constitutional declaration on that point did not go to authorise counsel to insult the court; he did not say what was the aggravation or who gave it, but he observed in the testimony that much altercation had taken place between them.

Mr. Jackson called for the reading of Mr Hay's testimony already quoted in committee of the whole—It was read again.

Mr. J. Randolph hoped the house would not agree to strike out the paragraphs in question. To those gentlemen of the house who have the pleasure of knowing Mr. Hay, it will be deemed sufficient that he had made the statement just read, in order to be fully impressed with its truth. To those gentlemen who are not acquainted with him, an additional reason may be given for its truth. The fact is, that the conduct of the judge on the occasion stated in the article, was such as to excite universal indignation throughout Virginia, and it is believed throughout the United States. To allay this irritation and defend the judge's conduct, it has been supposed that the trial of Callender was published, but be the motives of publication what they may, it is a matter of great notoriety, that the gentleman who reported it was a violent political partizan for the party then in power, and it was generally understood that the printed report of the cause tended to soften the public feelings, which had been excited against the judge by the relation of those who had been present at the trial; and on the point of treating the counsel rudely and contemptuously, it ought to be noticed that the reporter acknowledges he was not present on the first days of the trial. That it was not an unfavorable detail of judge Chase's conduct might be inferred from this circumstance, that the committee sent for this testimony, on the suggestion of a gentleman from Connecticut. But even this report of the trial establishes beyond a doubt all the allegations in the part moved to be stricken out; and when you recollect the time it was published, and the appearances at that time, it cannot be supposed it was meant to criminate him. No—it was meant to rescue him from popular odium. Mr. Wirt, one of the counsel, on addressing the court, was interrupted by judge Chase in these words—"take your seat, sir, if you please." Is this the usual language from the bench to the bar? Let the clerk read that account of the trial, and you will find it a tissue of damning evidence of every fact set forth in the article.

The question on the amendment was taken and lost.

The question was taken on the fourth article by yeas and nays, and are as follow:

Yeas—Messrs. Alston, jun. Anderson, Archer, Bard, Bedinger, Bishop, Blackledge, Boyd, Boyle, Brown, Bryan, Butler, G. W. Campbell, Casey, Claiborne, Clark, J. Clay, M. Clay, Conrad, Crowninshield, Cutts, Dawson, Dickson, Earle, Early, Elmer, Eppes, Findley, Gillespie, Goodwyn, Gray, Gregg, Hasbrouck, Heister, Holland, Holmes, Jackson, Jones, Kennedy, Knight, Larned, Leib, Lucas, M'Cord, M'Creery, Meriwether, N. R. Moore, T. Moore, Morrow, Mott, Nelson, New, Newton, jun. Nicholson, Olin, Palmer, Patterson, J. Randolph, T. M. Randolph, J. Rea, (of Pennsylvania) J. Rhea, (of Tennessee) Riker, Rodney, Root, Sammons, Sandford, Seaver, Sloan, Smilie, Southard, Stanford, Stanton, Stewart, Thomas, Thompson, Trigg, Van Horne, Varnum, Whitehill, Williams, Wilson, Winn, Winston, Wynns—84.

Nays—Messrs. Baldwin, Betton, J. Campbell, Chamberlin, Chittenden, Claget, Cutler, Dana, Davenport, Dwight, Elliott, Goddard, Griffin, G. Griswold, R. Griswold, Hastings, Hough, Hunt, Lewis, jun. Livingston, Lowndes, Mitchell, Plater, Purviance, J. C. Smith, J.

J. Smith, Stedman, Stephenson, Taggart, Talmage, Tenney, Thatcher, Tibbits, Wadsworth—34.

The fifth article under consideration.

Mr. Kennedy declared himself opposed to this article, and asserted that the testimony did not support it. He had read and investigated the act of assembly of Virginia, and found that the section relied upon was susceptible of another construction. He quoted the words of the act, and added, here we find that the court may order the clerk to issue a summons, *or other proper process*. These words are suppressed in the article under consideration. It is a known maxim in courts of conscience, that the suppression of a truth, or the suggestion of a falsehood, are equally weak and wicked. And it ought to be deemed equally improper for us to suppress a truth, or alledge a falsehood, in so solemn a transaction as that of an impeachment. If after the word summons in the article we were to insert the words *or other proper process*, it might go a great way towards altering the opinion of members. What other process can issue besides a summons? If you will not trust a summons, you will take the body; this is a capias. If there be no other than these two writs, it was in the discretion of the judge to order a capias. If a person commits a great crime, tho' not capital, a capias may be the proper process; for a summons will only be a notice to the party to run off.—He therefore could not agree to the first part of the article, and the latter part was left unsupported, if the other failed. If the court had a right to award a capias, it necessarily followed that the party must be arrested if found, and if arrested, he must be committed to close custody, or give bail for his appearance; there is no other mode of avoiding imprisonment upon arrest. Has there appeared any proof that Callender made an application to be bailed? If he did not, he could not be refused by the judge. Nothing of this kind has been heard in proof, and until then we ought to withhold our assent to the latter part of the article.

Mr. Nicholson.—The laws of Virginia relative to this point, if he recollected rightly, were, that in capital cases, a capias is ordered to issue for the apprehension of the offender; but in cases of crimes less than capital, a summons or other proper process shall issue. What is the practice in that state? He had never understood that it was the practice there to issue a capias for the apprehension of small offences, but a summons to answer at the next court after the presentment.

Mr. J. Randolph. My friend (Mr. N.) is not mistaken in the law, and the practice so far as he knew it was what every reasonable man would suppose it ought to be, that is consonant with the law itself. There are two distinct species of crimes, one capital, the other not capital. The first species is divided into treasons and felonies—The second contains all other lesser crimes. For the first, it is mentioned in the law itself, that a capias is the proper process; but in the second it is to be by summons, or other proper process to the next court.—By confining the writ of capias to capital cases, it also infers that a capias is not a proper process in cases under capital. If the court awarded a capias then in Callender's case, they did what the law did not authorise them to do, and which the practice in our state courts did not warrant.—Instead of this defence of the judge, he suspected the defence would be exonerating the judge at the expence of the clerk, who issued the writ; that being the act of the clerk, they would not hold the judge responsible therefor. It will be recollected that the capias issued after the indictment was found, and that the prisoner was tried in the same term. Mr. Hay in his testimony sets this matter in a very clear point of view. The capias was issued by the clerk on the award of the court, at the instance of the prosecuting officer. If, concluded Mr. R. there is one article I put more reliance on than another, this is the very article.

Mr. Beckley (the clerk) read extracts from the laws of Virginia on these two points.

Mr. Kennedy agreed that the conduct of the judge in ruling the party to trial at the same term he was presented was a high handed arbitrary proceeding; but that is the charge contained in the 6th article which he much approved of, and should certainly vote for. But he had not been influenced by any thing said to change his opinion; he should therefore vote against the 5th article.

Mr. Alston observed that the laws of Virginia spoke only of presentment, "that upon *presentment* by any grand jury of an offence not capital, the court shall order the clerk to issue a summons for the party to appear and answer such *presentment* at the next court." Callendet was indicted, and there being a difference between presentment and indictment, it appears that the court had a discretion as to the time of trial: this however seemed to him to be the case.

Mr. J. Randolph replied by reading the warrant, annexed to the articles of impeachment, in which are the words, "to answer a certain presentment found against him (Callender) by the grand jury."

The question on agreeing to the 5th article under consideration was carried, the yeas were 72, and nays 45, and are as follow, viz.

YEAS.—Messrs. Anderson, Archer, Bard, Bedinger, Bishop, Boyd, Boyle, Brown, Bryan, Casey, Claiborne, Clark, J. Clay, M. Clay, Butler, Conrad, Crowninshield, Cutts, Dawson, Dickson, Earle, Eppes, Findley, Gillespie, Goodwin, Gray, Gregg, Hasbrouck, Heister, Holmes, Jones, Knight, Larned, Leib, Lucas, M'Cord, Meriwether, R. Moore, T. Moore, Morrow, Nelson, New, Newton, jun. Nicholson, Olin, Palmer, Patterson, J. Randolph, T. M. Randolph, J. Rea, of Pen. J. Rhea, of Ten. Riker, Sammons, Sandford, Seaver, Sloan, Smilie, Southard, Stanford, Stewart, Thomas, Thompson, Trigg, Van Horne, Varnum, Whitehill, Wilson, Winn, Winston, Wynns—70.

NAYS.—Messrs. Alston, Betton, Blackledge, Campbell, Chamberlin, Chittenden, Clagett, Cutler, Dana, Davenport, Dwight, Elliott, Elmer, Goddard, Griffin, G. Griswold, R. Griswold, Hastings, Holland, Hough, Hunt, Jackson, Kennedy, Lewis, jr. Livingston, Lowndes, M'Creery, Mitchell, Mott, Plater, Purviance, Rodney, Root, J. C. Smith, J. Smith, Stanton, Stedman, Stephenson, Taggart, Tallmage, Tenny, Thatcher, Tibbitts, Wadsworth, Williams—45.

The sixth article under consideration.

Mr. Rodney. As I intend to vote against this article of impeachment, I mean to assign my reasons in as few words as will enable me to be clearly understood. It has been admitted on all sides that such interesting proceedings as that in which we are engaged should be conducted with calmness and temper, void of every sensation arising from hostile passions; but particularly when we consider all the circumstances connected with the object of this impeachment, a man of talents placed in an eminent elevation of office, qualified to ascertain the bearing of your evidence and testimony, too much caution cannot be used, and gentlemen are justified in their minute examination into the relation between the charges and testimony upon which they are erected.

I consider this article objectionable, because there is concealed within it a principle pregnant with mischief to this country; if it be adopted, it will go to establish a principle most dangerous and oppressive. It goes so far as to say the courts of the United States have criminal jurisdiction at common law. If gentlemen will attend to the article, they will observe that it cites the act of congress establishing the judicial courts of the United States so far as relates to the regulations of the several states, and they are enacted to be the rules of decision of those courts in trials at common law—and then it goes on to charge judge Chase with violating this very act. It is the act of Congress which gives life to the act of Virginia in the United States courts, and it says that the statute shall be enforced as on trials at common law. The first enquiry will be what was the meaning of the legislature in using the expressions "in trials at common law;" and to ascertain whether Callender was tried by the common law, or under the sedition act. Law writers are not more clear, precise, or correct, on any subject, than they are in their definition of the common law; it is the unwritten law, as contradistinguished from statute law. A gentleman suggests to me that the common law mentioned in our statute is merely to mark the difference between our admiralty and maritime jurisdiction. We usually refer to English authorities for an explanation of the technical words we borrow from them, and there we find that the common or unwritten law is so called, to distinguish it from statute law—and this is the broad line laid down by Virginia herself in a late declaration of her legislature drawn up by one of the greatest statesmen that ever that or any other country produced. They declare that the United States government has no common law jurisdiction. All their powers must be exercised in virtue of some statute made under the conditions of the constitution. In casting our eyes over the constitution we shall not find a syllable of the word common law; the first time it appears, it is in the 7th amendment relating to debts exceeding 20 dollars.

The judicial bill refers to the civil jurisdiction of those courts in cases between foreigners and citizens, but there is no where to be found a word that gives to the United States criminal jurisdiction at common law. Mr. Chase held this opinion himself, as you hear from the affidavit of Mr. Read, who observed the attack upon judge Chase in the Wilmington Mirror, reminded him that the sedition act did not protect the judges from libel; they had no cognizance thereof, and it could not be punished but through the state courts. Even in England they paid respect to this disunction. The first trial of Rinewick Williams, commonly called the monster, for his abominable wickedness in cutting women as they passed him in the street; he was indicted under a particular statute, judgment was successively arrested, though he was afterwards indicted at common law for assault and battery, and convicted.

To make the allegation conform to the principles, it should be said that Callender was tried by the common law; where was the authority at common law? Callender's was not a civil case, between a citizen of another state and himself—No, it was a criminal case, under a particular statute, and he was tried by the statute law, not by the common law.—He was confirmed in this opinion by the report of the case, where it appears that such eminent men as Mr. Hay and Mr. Nicholas, preferred to rely upon an affidavit for a postponement, rather than bring forward the statute of Virginia alledged to be decisive; they would hardly leave their client in the discretion of the court, when they had the strong language of the law, that they should not try the cause at that term; their talents and vigilance forbids us for a moment to entertain the idea, that the matter had escaped their notice or recollection.

These are the principle reasons which induce me to vote against the sixth article now under our consideration.

Mr. J. Randolph said, if he agreed in the construction which his friend from Delaware contended for, he would not be the last man to join him against the article. He would not support any act that would tend to sustain the pretension that congress have criminal jurisdiction in common law cases. If this construction could in any wise be put on this article, he here entered his protest against it, as well as against the doctrine itself. One of the first acts of the general government was to establish judicial courts on the part of the United States, and let it be recollected that beside the great national power vested in the courts by the constitution, there were others vested in them of a peculiar nature. Their authority extended to cases between a state and citizens of another state, between citizens of different states, and foreign states, citizens or subjects. It was enacted that the *laws of the several states*, except where the constitution, treaties, or statutes of the United States shall otherwise require, shall be regarded as the rules of decision in trials at common law. It has always been held as a sound rule of construction that all the words ought to have efficacy, and when this law of the United States, gave life and vital spirit to the law of Virginia, it provided that in all cases at common law, the rule of the state should govern, but in cases under a statute where rules of decision are otherwise provided, the law of the state shall not govern. Congress saw in the outset the necessity of carrying into effect that great constitutional power of establishing courts and regulating their mode of procedure. Instead, however, of establishing any mode of their own, they adopted the modes already existing in the several states, and there is no other mode except in cases of admiralty and maritime jurisdiction; if the laws of the state where the offence has been committed, does not apply, what possible rule of procedure or decision could govern the court? In what manner is a criminal trial to be conducted? The 34th section under any other construction becomes absurd and nugatory. He did believe that by the 33d and 34th sections of the act establishing the judicial courts, the laws of the several states have been adopted by Congress in criminal as well as in civil cases.

But the gentleman from Delaware asks us how we can believe this to be the just construction, when the able counsel assigned to the defence in this case failed to produce this law to the court which would have procured them the direct attainment of their end, without applying to the discretion of the court? To this he answered he could not tell why they omitted to bring forward this objection. This was not his concern. It might perhaps have escaped their memory. But will it be an objection that because they failed, we should also fail who think this law has been violated. That the law of Virginia was the rule of conduct adopted in this case is proved by every preliminary as well as subsequent step. If then they did not make this exposition of the law of the United States, why was the trial of all other parts conducted consonant with the laws of Virginia. He stated the case in another point of view; although there is no common law jurisdiction of the United States, in criminal cases, yet there is in each state a peculiar common law generally drawn from England, but varied so as to suit their purpose. Suppose Virginia had never modified the common law of England, as it relates to the law of descents, and suppose a claim brought in the United States court by a citizen of North Carolina for a tract of land in Virginia (it will be admitted that Congress can make no law in relation to descents.) How is the court to be governed by the law of descents in North Carolina, or by that of Virginia and by the common law of England. Certainly they must conform their decision to the rule of Virginia where the land lies. Take this common law doctrine then in any other sense than as being in contradistinction to our admiralty and maritime code, and it has no basis, for common law jurisdiction, Congress have none in criminal cases; as all such cases must be constituted crimes by a statute of Congress previous to their perpetuation, and a statute or written law is the opposite of common, which is an unwritten law made up of usages time immemorial. If it was established that this article ended in any shape to establish the exploded doctrine that the United States and common law jurisdiction in criminal, he would readily vote against the article.

Mr. Nicholson entertained no doubt but the term of common law expressed in the statute establishing the courts of the United States was used as a term of definition, and that it ought not to be construed to give the courts any additional jurisdiction, nor to abridge them of any they possessed. He observed in other parts of the law, that the words common law are used to distinguish that mode of procedure from what was used in our courts of admiralty. In England they have three district courts, governed by three distinct modes of proceeding under three laws. The common law courts, or the courts at Westminster, and the chancery court, are governed by the common law.—The admiralty courts are governed by the civil law, and the ecclesiastical courts by the ecclesiastical law. But all and every one of these are governed by the statute law. But in their mode of proceeding, each has its own peculiar rules, yet they all are bound to conform to a statute, as if a statute had originally given them jurisdiction. In our own courts, he believed, it would be difficult to conduct trials without some provision as to the mode. Bills of exchange and promissory notes were not made current till the time of queen Anne. The suit on these actions is still at common law, though the remedy is given by statute.—So when an indictment is made upon a statute, it must be tried by the rules of the common law, as was the case mentioned in the article. And with the gentleman from Virginia, he asked, in what manner a criminal can be prosecuted but by the rules of the common law, unless you have him to be tried by such arbitrary ones as the court may make at that time, in order to suit their own purpose. If it be true that we have no rules of proceeding established for our courts of justice, it is high time to set about making them. But the fact is that rules are established, and the reason why they were established, in the manner they are, is, that in this way congress expected, and justly too, that they would give more satisfaction to their constituents to leave them to the rules of proceeding they had long been accustomed to, than they would by introducing a novel set of their own contriving. And he sat down fully convinced that the circuit court was bound to proceed through the whole case by the rules established by the laws of Virginia.

The sixth article was agreed to. The yeas were 73, and nays 44 as follow:

Yeas—Messrs. Anderson Archer, Bard, Bedinger, Blackledge, Boyd, Boyle, Brown, Bryan, Butler, Casey, Claiborne, J. Clay, M. Clay, Conrad, Crowninshield, Cutts, Dawson, Dickson, Earle, Early, Eppes, Findley, Gillespie, Goodwyn, Gray, Gregg, Hasbrouck, Heister, Holland, Holmes, Jones, Kennedy, Knight, Larned, Leib, Lucas, Lyon, M'Cord, Meriwether, N. R. Moore, T. Moore, Morrow, Nelson, New, Newton, Nicholson, Olin, Palmer, J. Randolph, T. M. Randolph, Rea, (of Pennsylvania) Rhea, (of Tennessee) Riker, Sammons, Sandford, Seaver, Sloan, Smilie, Southard, Standford, Stanton, Stewart, Thomas, Thompson, Trigg, Van Horne, Varnum, Whitehill, Wilson, Winn, Winston, Wynns—73.

Nays—Messrs. Alston, Baldwin, Betton, J. Campbell, Chamberlin, Chittenden, Clagett, Clark, Cutler, Dana, Davenport, Dwight, Elliott, Elmer, Goddard, Griffin, G. Griswold, R Griswold, Hastings, Hough, Hunt, Lewis, jun. Livingston, Lowndes, M'Creery, Mitchell, Mott, Plater, Purviance, Rodney, Root, J. C. Smith, J Smith, Stedman, Stevenson, Taggart, Tallmage, Tenney, Thatcher, Tibbits, Wadsworth, Williams—42.

The seventh article was agreed to—The yeas and nays were as follow:

Yeas—Messrs. Alston, jun. Anderson, Archer, Bard, Bedinger, Boyd, Boyle, Brown, Butler, Casey, Claiborne, Clark, M. Clay, Conrad, Crowninshield, Dawson, Dickson, Earle, Early, Elmer, Eppes, Findley, Gillespie, Goodwyn, Gray, Gregg, Hasbrouck, Heister, Holland, Holmes, Jackson, Kennedy, Knight, Larned, Leib, Lucas, Lyon, M'Cord, M'Creery, Meriwether, N. R. Moore, T. Moore, Morrow, Nelson, New, Newton, jun. Nicholson, Olin, Palmer, Patterson, J. Randolph, T. M. Randolph, J. Rea, (of Penn.) J. Rhea, (of Ten.) Riker, Rodney, Root, Sammons, Sandford, Seaver, Sloan, Smilie, Southard, Stanford, Stanton, Stewart, Thomas, Thompson, Van Horne, Varnum, Whitehill, Williams, Wilson, Winn, Winston, Wynns—78.

Nays—Messrs. Baldwin, Betton, Campbell, Chamberlin, Chittenden, Clagett, Cutler, Dana, Davenport, Dwight, Elliott, Goddard, Griffin, G. Griswold, R. Griswold, Hastings, Hunt, Lewis, jr. Livingston, Mitchell, Mott, Plater, J. C. Smith, J. Smith, Stedman, Stephenson, Taggart, Tallmage, Tenney, Thatcher, Tibbits, Wadsworth—32.

Nelson, New, Newton, jun. Nicholson, Olin, Palmer, J. Randolph, T. M. Randolph, J. Rea, (of Pennsylvania) J. Rhea, (of Tennessee) Riker, Rodney, Root, Summons, Sandford, Seaver, Sloan, Smilie, Southard, Stanford, Stanton, Stewart, Thomas, Thompson, Trigg, Van Horne, Varnum, Whitehill, Wilson, Winn, Winston, Wynns—73.

Nays—Messrs. Baldwin, Betton, Blackledge, G. W. Campbell, J. Campbell, Chamberlin, Chittenden, Clagett, Cutler, Dana, Davenport, Dwight, Elliott, Elmer, Griffin, G. Griswold, R. Griswold, Hastings, Hough, Hunt, Lewis, jun. Livingston, Lowndes, Mitchell, Mott, Plater, Purviance, J. C. Smith, J. Smith, Stedman, Stephenson, Taggart, Talmage, Tenney, Thatcher, Tibbits, Wadsworth, Williams—38.

The eighth article was divided—The yeas and nays on the first paragraph were as follow:

Yeas—Messrs. Anderson, Archer, Bedinger, Boyd, Boyle, Brown, Bryan, Butler, Casey, Claiborne, Clark, J. Clay, M. Clay, Conrad, Crowninshield, Dawson, Dickson, Early, Elmer, Eppes, Findley, Gillespie, Goodwyn, Gray, Gregg, Hasbrouck, Heister, Holland, Holmes, Jackson, Knight, Larned, Leib, Lucas, Lyon, M'Cord, M'Creery, Meriwether, N. R. Moore, T. Moore, Morrow, Nelson, New, Newton, jun. Nicholson, Olin, Palmer, Patterson, J. Randolph, T. M. Randolph, J. Rea, (of Tenn.) Riker, Rodney, Root, Sammons, Sandford, Seaver, Sloan, Smilie, Southard, Stanford, Stanton, Stewart, Thomas, Thompson, Trigg, Van Horne, Varnum, Whitehill, Wilson, Winn, Winston, Wynns—74.

Nays—Messrs. Alston, jun. Baldwin, Betton, Blackledge, J. Campbell, Chamberlin, Chittenden, Clagett, Cutler, Dana, Davenport, Dwight, Earle, Elliott, Goddard, Griffin, G. Griswold, R. Griswold, Hastings, Hough, Hunt, Kennedy, Lewis, jun. Livingston, Mitchell, Mott, Plater, Purviance, J. C. Smith, J. Smith, Stedman, Stevenson, Taggart, Tallmage, Tenney, Thatcher, Tibbits, Wadsworth, Williams—38.

The second paragraph of the eighth article was agreed to—yeas and nays as follow:

Yeas—Messrs. Alston, jun. Anderson, Archer, Bedinger, Blackledge, Boyd, Boyle, Brown, Bryan, Butler, Casey, Claiborne, Clark, J. Clay, M. Clay, Conrad, Crowninshield, Dawson, Dickson, Earle, Early, Elmer, Eppes, Findley, Gillespie, Goodwyn, Gray, Gregg, Hasbrouck, Heister, Holland, Holmes, Jackson, Kennedy, Knight, Larned, Leib, Lucas, Lyon, M'Cord, M'Creery, Meriwether, N. R. Moore, T. Moore, Morrow, Nelson, New, Newton, jun. Nicholson, Olin, Palmer Patterson, J. Randolph, T. M. Randolph, J. Rea, (of Penn.) J. Rhea, (of Ten.) Riker, Rodney, Root, Sammons, Sandford, Seaver, Sloan, Smilie, Southard, Stanford, Stanton, Stewart, Thomas, Thompson, Van Horne, Varnum, Whitehill, Williams, Wilson, Winn, Winston, Wynns—78.

Nays—Messrs. Baldwin, Betton, Campbell, Chamberlin, Chittenden, Clagett, Cutler, Dana, Davenport, Dwight, Elliott, Goddard, Griffin, G. Griswold, R. Griswold, Hastings, Hunt, Lewis, jr. Livingston, Mitchell, Mott, Plater, J. C. Smith, J. Smith, Stedman, Stephenson, Taggart, Tallmage, Tenney, Thatcher, Tibbits, Wadsworth—32.

LEGISLATURE OF NEW-HAMPSHIRE.

Friday, November 23.

GOVERNOR'S SPEECH.

His Excellency the governor met the two branches of the Legislature this day and delivered the following

SPEECH:

Mr. President, and Gentlemen of the Senate, Mr. Speaker, and Gentlemen of the House of Representatives,

Assembled at this time, to which the Legislature was adjourned, agreeably to your request, for the purpose of performing the public duties required by the Constitution—while we gratefully acknowledge our obligations to the Supreme Governor of the world for the exalted privileges with which our country has been favoured—may we unite our efforts, as the Representatives of a free people, in devising the best means of promoting the public welfare, and for securing the individual rights and lasting happiness of our fellow citizens.

It seems to be a principle uncontroverted, that none but a virtuous people can long support a free government. How important is it then that the promotion of virtue should be duly regarded in the formation and execution of laws; that encouragement and support should be given to institutions calculated to inform the mind, and instruct in the moral and religious duties.

Since the last session of the Legislature, I have received a letter from the Secretary of State, informing, that the amendment, proposed during the last session of Congress, to the Constitution of the *United States*, respecting the manner of voting for President and Vice President of the *United States*, has been ratified by the Legislature of three-fourths of the several states. This letter will be laid before you.

I have also received a letter from his Excellency the Governor of the Commonwealth of *Massachusetts*, including a resolution of their Legislature, proposing an amendment to the Constitution of the *United States*, as it respects the appointment of Representatives among the several States, and confining the same to the number of free inhabitants respectively. The letter and resolution will be laid before you. The importance of the proposed amendment, and respect for the doings of a sister State, claim, and will undoubtedly have, your candid and deliberate attention. The Constitution of the *United States* was undoubtedly formed with much deliberation, and ought not to be altered without manifest reasons therefor; yet it was wisely provided, that alterations might be made if found necessary. Representatatives and direct taxes are included in the same article in the Constitution, and were to be apportioned among the States on the same principles. That part of the article, which respects direct taxes, appears to be *nominal*; while the proportion of Representatives from some of the States is greatly increased in consequence of the large number of slaves which they hold; and the importation of slaves, which, it is now publicly allowed by one or more of the States, has a tendency further to increase the equality of representation.

The several matters unfinished at the last session, or referred to the present, will occupy your attention; and I cannot omit mentioning particularly that which respects a building for the confinement of criminals, as being highly important.

Whatever business you may think proper to lay before me will meet my ready attention. And be

assured, Gentlemen, that I shall esteem it a pleasure to co operate with you in measures calculated to promote justice, and advance the general welfare.

JOHN TAYLOR GILMAN.

State of New Hampshire, Nov. 23, 1804

ANSWER OF THE SENATE.

May it please your Excellency,

Assembled at this time to perform the duties enjoined upon us by the Constitution of this State, and taking into consideration the happy situation of our public affairs, we feel ourselves bound to acknowledge with gratitude the many unmerited favors and exalted privileges, which we, through the blessings of Divine Providence, enjoy, under our present free and enlightened Republican Governments. Be assured, Sir, our united efforts shall be exerted, in devising the best means to promote the public welfare, to protect and secure the civil and religious rights of our Constituents against the arts and intrigues of designing men.

Sensible that virtuous habits are the surest preservatives of a free Government, we therefore consider it our duty to encourage and support those institutions, the best calculated to inform and instruct the mind in moral and religious duties. And we regret the institutions established according to the indications of Divine Providence, for the benefit of mankind, should ever be made instrumental in attempts to subvert the only Free Government now existing; instead of affording encouragement to support it under our present successful experiment; or that any should attempt to weaken the energies of a free people, by declaring that our Representative Government cannot long exist, by invidious comparisons of it with other forms.

With pleasure and satisfaction we receive your Excellency's communication of the ratification of the Amendment to the Federal Constitution, in the choice of President and Vice President of the United States—hoping thereby to escape those dangers to which we have so recently been exposed.

That part of your Excellency's communication, relative to an Amendment of one of the fundamental articles of the Constitution of the United States, proposed by the Legislature of Massachusetts, will be duly attended to, and the subject receive all that candor and deliberation, which respect for the doings of a sister State, and the more important consideration of preserving the Union of the several States, merit. We conclude with your Excellency in the belief that the system of our General Government was framed and adopted after much solemn deliberation, and that the provision made for alterations, as time and experience might point out, was wise. But the reasons for a change ought to be clear and strong, lest, while endeavoring to avoid some apparent inconvenience greater unforeseen disadvantages are produced, and by one change after another the constitution be essentially altered, and the harmony of system destroyed.

From the history of other nations, we have no right to expect a perpetual exemption from wars. Though, under our present happy situation, direct taxation may appear nominal; yet, should we be so unfortunate as to be engaged in war, that would not be the case for from the probable failure of other resources direct taxation must be resorted to; and should this take place, we should, from the reduction of representation in those States, to which the proposed alteration alludes, throw a much heavier burthen on our Agricultural interest, than would be imposed under the present state of that article.

Disapproving of slavery, as we do, we lament that one of our sister States has repealed their law, prohibiting the importation of slaves; yet we flatter ourselves in the contemplation, that the time is not far distant when Congress will have a Constitutional right to put a stop to that inhuman traffic. And no serious evil we presume, can accrue to us, by the increase of Representation, from the importation of slaves in the short period of four years.

Convinced of the importance of having a secure place, for the confinement of convicts to labour, we shall use our utmost endeavours to progress therein, as fast as the nature of the undertaking will admit, without laying too great a burthen at once upon our constituents.

The unfinished business, of the last session, and such other matters as may now come before us, will be punctually attended to; not doubting of your Excellency's cheerful co-operation with us in promoting justice and the general welfare.

PHILADELPHIA, December 13.

The Memorial, addressed by the PHILADELPHIA CHAMBER OF COMMERCE to the LEGISLATURE of the United States, will be read by every man of American feeling, whatever may be his profession, or his politics. The subject of this Memorial involves not only the property of our Merchants, and the lives of our seafarring citizens, but it deeply affects the rights of the nation. If the intimation of a foreign power can oblige us to disarm our vessels, and resign our defenceless commerce a prey to pirates in one quarter of the world, it may in every other, and there is an end to our boasted sovereignty, and to the protection of our citizens.

If our administration concedes the right of France to interdict our trade with St. Domingo, and is willing to risk the consequences of prohibiting our intercourse with that Island, as far as it may endanger a war with the Blacks, let it be so declared. But let them not touch the Ark of Independence, by admitting the authority of any power on earth, to forbid the defence of our lives and property against all aggressors—In the cession to France, we shall only trace the unvarying character of our cabinet, as in the abrogation of a lucrative branch of our commerce, we must recognise the degree of protection which has been uniformly extended by the present administration to that class of citizens, from whose capital and industry, every shilling of the public revenue is derived.

MEMORIAL.

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES.

The Philadelphia Chamber of Commerce,

RESPECTFULLY REPRESENT

THAT the Bill to regulate the clearance of Merchant Vessels now before the House of Representatives if passed into a law, will be very injurious to the Merchants of the United States as well as to its general Commerce.

By this Bill it is provided that "no Merchant vessel armed, or provided with the means of being armed at sea, shall receive a clearance or be permitted to leave the Port where she may be so armed or provided." This clause excludes from arming not only all vessels employed to and from the West-Indies, but also those trading to the South Pacific, North West Coast, and along the West Coast of Africa, where armaments are as usual and necessary as in any other trade in which we are engaged. By another clause, armed Merchant vessels of the United States are prohibited from going to the West-Indies from any other country, under the penalty of forfeiture of the vessels and her equipment.

On these clauses your memorialists beg leave to remark, that the number of vessels, cruizing in the West-Indies, having or pretending to have French Commissions, and which capture or plunder unarmed Americans, without regard to their destination, renders it absolutely necessary either to give public protection to that part of our Commerce, or to suffer our Merchants so to equip their ships as to be able to repress those depredations. And that the trade along the West Coast of Africa, in the Pacific Ocean and on the North West Coast of America, cannot be carried on with any degree of safety without some armament.

The prohibiting of vessels armed in the United States from going to the West Indies from any other country, will, as your memorialists believe, deprive the Merchants of the United States of some very valuable branches of Commerce which they at present enjoy. Voyages from the Mediterranean to the West-Indies are frequent and valuable, and vessels from India often find there a market for a part of their cargoes; all of which are interdicted by the Bill in its present form.

By the same section it is provided, That if any vessel, clearing out for a port in the Mediterranean or beyond the Cape of Good Hope, shall make or commit any depredation, outrage, unlawful assault, or violence, such vessel, with her arms, tackle, and furniture, or the value thereof shall be forfeited to the use of the United States. This penalty your memorialists consider as unnecessarily severe, inasmuch, as no instance of the misconduct of vessels thus trading has hitherto occurred to render it necessary, and as it leaves the property of the innocent owner subject to the indiscretion or misconduct of a commander or his crew, while the nature of the trespass by which the penalty may be incurred is entirely undefined.

By the third section power is given to the collectors to detain vessels on suspicion until the opinion of the President shall be obtained. To this part of the Bill your memorialists have objections that appear to them weighty.

By the Bill, vessels intended for certain trades are permitted to arm, and, if afterwards, they proceed to the West Indies, a penalty is incurred.—It appears, therefore, superfluous, to leave it in the power of a Collector to detain such vessel upon surmise or suspicion; and it vests him with a discretion which may be exercised to the oppression of the Merchants, to whom no remedy is pointed out, by which an abuse of such power can be corrected.

Your memorialists, having thus briefly stated their objections to the Bill in its present form, beg leave to add some observations which they submit with deference to the consideration of the Legislature.

Since the establishment of the present government, and particularly during the wars which have taken place between the nations of Europe, the Commerce of the United States has at various times been subjected to depredations of the armed vessels of those nations, and the losses which have been sustained, though compensated in part, are yet great, beyond all computation. Without intending to censure the government for the want of a protection which so extensive a commerce as that of the United States appears to call for, it is proper to remark that the necessity of the case and the peculiar state of things at this time, require on our part precautions which in common cases would not be deemed necessary. On the evacuation of the French part of the Island of St. Domingo, a great number of small vessels were equipped as privateers, from the Spanish part of that Island, and from Cuba, by which our ships have been continually harrassed and even captured although employed in their ordinary and lawful commerce; and the most wanton abuse of power is now daily exercised, on the persons and property of our fellow-citizens, by a lawless banditti, who are not under the control of the government whose sanction they claim. If to American vessels is denied the means of defending themselves, it cannot be doubted but the number of those Marauders, will be multiplied to the further annoyance of our commerce, and a very alarming change in our relations with the indigenous inhabitants of St. Domingo, may be the consequence. Without armament, their ports will be inaccessible to the Americans, which will impose on them the necessity of supplying themselves by means of armed boats and vessels.—They will make prize of all unarmed vessels and thus become the Algerines of the Western Hemisphere.

How far proposed restriction may be of real utility to the mother country is very doubtful, it is however certain, that her present inability to support a proper authority over this important colony, may eventually produce an order of things in which from our vicinity we shall be more interested than any other nation.

If however the peace or general interest, of the United States, shall be found to require some restriction on the armament of merchant vessels, the merchants are willing to submit thereto, and only hope, that the objects of the Bill may be clearly defined; and that such restrictions shall not extend beyond the necessity of the case; and that its unusual penalties, together with the discretionary power to the Collectors, may be omitted.

NEIL M'COULL, 14

HAS received his FALL SUPPLY of *DRY GOODS*. ep

Richmond, 12th Nov. 1804.

The Virginia Gazette.

RICHMOND:

SATURDAY, DECEMBER 22, 1804.

DIED—on Wednesday last, Mr. JOHN LESTER, of Rockets.

We are happy to find by the following communication, from our valuable friend at Washington, that, notwithstanding the rage which has been too prevalent in our administration for harrassing and injuring the commerce of the country, there are to be found among their own disciples minds sufficiently liberal and enlightened, to discard the unworthy prejudices of their sect, against this great and increasing source of public revenue and national prosperity. Our satisfaction is the more complete, from observing, that the representative from this port, disregarding the clamours of the ignorant or the interested of his party, appears, on this occasion, to be guided solely by his own sound judgement on the subject; and by a laudable regard for the interests of his country.—(*Phil Gaz.*

From Washington, Dec. 13, 1804.

The house have this day been engaged principally on the bill regulating the clearance of armed vessels, &c. Mr. Eppes of Virginia, was strongly opposed to giving our merchants any liberty to arm in any case. He spoke several times, with much earnestness and little argument. J. Clay was his principal opponent, who supported the rights and interests of our merchants, with good reasoning and propriety. I know not whence it is, but so it surely is, that a great number of the democratic members seem bitterly opposed to the interests of commerce and our *merchants*, as Smilie calls them.—The representatives from our principal sea-ports however, all spoke in favor of the right of arming: Mr. M'Creery, Mr. Lowndes, Mr. Clay, and Dr. Lustis.

General Varnum was in the chair. The bill has had several amendments—the second sect. struck out. The yeas and nays were called on the question of obliging the owner and master to give security to the amount, in all cases, of double the value of the vessel, apparel and cargo. But a small number appeared in favor of this heavy and needless restraint on vessels bound beyond the Cape of Good Hope. When the bill was taken up in the house, Mr. Eppes moved for a new section, the purport of which was to punish all acts of murder, homicide and misdemeanor committed at sea, in the same manner as if committed on land.

The house adjourned at half past three, without a decision.

I am informed that Mr Harper will appear as counsel for Judge Chase.

Interesting to the Merchants of the United States.

It is understood that the government contemplates stopping the trade to St. Domingo, under the idea that it is countrary to the law of nations.—This idea is countenanced by the President in his communication to Congress, and by the committee of the house of Representatives to whom that part of the communication was referred. Thinking as we do that the trade is perfectly lawful, and that the acts government are tending to establish, without examination, principles in the highest degree injurious to the country, we cannot refrain from calling the attention of the mercantile interest to one of the consequences of admitting or establishing the illegality of that trade; it is this—Every *insurance effected upon it is void.* Property to an immense amount in this trade has been insured; to a great amount it has been lost, and the insurers called upon for the loss; and a great sum is still out. Now, if the trade be illegal, *though with the knowledge of the insurers*, the contract of insurance, being founded upon a traffic contrary to law, is utterly void, and the underwriters are not bound to pay the farthing, (see *Park on ens.* c. XII) in cases in which they had paid, they may recover back the money; and where the premium has not been received, they cannot enforce its payment.

[*U. S. Gaz.*]

The Impeachment, we find, goes on swimmingly. In support of the fourth article the party have the matchless assurance to read in evidence the affidavit of *Callender*, which was read at his trial for the purpose of putting it off, that he might have an opportunity to prove, among other things, that Mr. Adams when President, dismissed Tench Coxe from an office he held under the government of the United States, "because he did not approve the measures of his, the said President's administration, or the principles on which it was conducted." And is this possible? After driving hundreds of respectable and meritorious officers from their bread during the first four years of their coming into power; after commencing a systematic persecution against every man who was not ready to fall down and worship the golden image which had been set up; after "rejecting from office" every man who did "approve of the president's administration, or the principles on which it is conducted," without the least regard to individual merit, services, claims, age or condition and avowedly too, have they the audacity now indirectly to exhibit it as a charge against Mr. Adams that he turned out of office for the same reason, the noted Tench Coxe?—Tench Coxe who has been the stickler of every party and the apostate from every party in turn, the whig party, tory party, federal party, and democratic party, and has at length met the usual fate of all traitors, to be despised and shunned by all parties.

We mean not here to enter into the defence of Mr. Adams or the federal administration against a charge of the sort advanced on the strength of the two cases, Tench Coxe and William Gardner.—The public are not apprised of the cause of Coxe's dismissal, and we suspect never will be, at least by himself; but we do utterly deny in the most express terms, that he was dismissed on account of his political principles, or that that consideration entered at all into the reason of his dismissal.—Let him gainsay this if he dare.

As to Mr. Gardner, Commissioner of Loans for New Hampshire, whose case is also, by a side wind now presented to the public as an instance of federal persecution on account of his political principles; it is likewise expressly denied that the charge has any foundation in truth.

The short of his story is this. Mr. Gardner who was a democrat and wished of course to bring down the federal administration, made it his practice for some time and upon system, whenever the public creditors called at his office for the interest upon their stock, not merely to insinuate, but to say to them, that though the money now due was ready, yet that such was the course the administration was pursuing, that he did not believe it would be in his power ever to pay any thing after the present quarter. This was in 1798, at a time when the government were called upon, by the outrages on the part of France to incur very heavy expences, and to meet which new loans were necessarily to be resorted to: such conduct, therefore, in a public officer, having for its object to prostrate the credit of the country, and throw insurmountable obstacles in the way of its administration was in the highest degree reprehensible, and justly exposed him who was guilty of it, to the loss of office.

Both the above cases defy the strickest scrutiny; and the parties concerned, or either of them, are welcome to commence it as soon as they please.

(*N. Y. Her.*)

We solicit our readers to refer to the 7th article of the Impeachment of Judge Chase, and then compare his conduct in the case alluded to in that article, with that of Judge M'Kean (now Governor of Pennsylvania) upon an occasion we are about to refer to and which has been suggested to us by the intelligent Editor of the Evening Post.

In the year 1797, Cobbett the Editor of Porcupine's Gazette had published something offensive to Judge M'Kean's son in law, the Marquis de Casa Yrujo. Cobbett was brought upon a warrant before Judge M'Kean, who bound him over to his good behaviour. Nevertheless Cobbett, went on in his old way, to the great displeasure of the Judge, as appears from the following:

At a Court of oyer and terminer held in the city and county of Philadelphia, Nov. 1797, Judge M'Kean thus charged the Grand Jury.

"Before I conclude I am sorry to have occasion to mention that there is another crime, that peculiarly concerns the judges of the supreme court to endeavour to correct. It is that of *Libelling*. I will describe it at large." After going at great length into the doctrine of libels, he concludes thus:

"Impressed with the duties of my station, I have used some endeavours for checking these evils, by binding over *the editor and printer of one of them* licentious and violent beyond all former example, to his good behaviour; but he still perseveres in his nefarious publications," &c. "In brief, he braves his recognizance and the laws. *It is now with you Gentlemen of the Grand Jury, to animadvert on his conduct*; without *your aid* it cannot be corrected." "You may now Gentlemen, retire to your room.—Inquire with *zeal*, hear with attention, deliberate with coolness, judge with impartiality, and decide with *fortitude*."

The Judge did not stop here (as we are informed) for next day upon some remark which was made by a suitor, the judge replied "That Grand Juries do not always do their duty, we have a recent instance of it;" for it seems the grand Jury returned *ignoramus*—Let the conduct of Judge Chase and Judge M'Kean be compared? and if any man can say that the one is guilty and the other innocent, we should hold his candour in very small estimation.

But Judge Chase is a Federalist, and must be wicked, Judge M'Kean is a Democrat, and must be honoured. (*Public Ledger*)

FOR SALE,

A LIFE Estate in the Dwelling-House, (which has just undergone a thorough repair) four half acre Lots, with Stables, Coach-House, and other necessary Out-Houses, on the Church hill, in the occupancy of John Banks, esq. It commands an extensive prospect and is as healthy a situation as any in Richmond.

NEIL McCOULL.

December 12th, 1804. 2w

NOTICE

Is hereby given to the Debtors of

ROSS & FORD,

THAT in compliance with my duty as Assignee, I shall commence suits indiscriminately against all those who do not come forward and give assurances when payment may be expected.

NEIL McCOULL.

December 22, 1804 tf

SALES AT AUCTION.

WILL be sold, to the highest bidder, for *Cash*, on Saturday the 22d inst. at 4 o'clock in the afternoon, the *SCHOONER* SALLY, burthen 30 40-95 Tons, with all her *Sails, Rigging*, &c. as she now lies at Rocketts—Inventory will be shewn at the time of sale.

THOMAS TAYLOR & Co.

Auctioneers.

December 19th, 1804.

THE CELEBRATED ENGLISH HORSE

JACK ANDREWS,

(Imported by William Lightfoot, esquire, of Charles City County)

WILL stand the ensuing season in Charlotte county, 4 miles below Coles' Ferry and 10 above the court-house, on the main road leading to Richmond and Petersburg. The time when the season will commence, his pedigree, performances, &c. will be duly made known. JOSEPH FUQUA.

Charlotte county, Dec. 19, 1804. eptm*

Richmond Temporary Theatre.

The Public are respectfully informed, the Proceeds of this Evening are the only rent the Proprietor receives for the entire use of the buildings now occupied as a Temporary Theatre.

On Saturday Evening, Dec. 22 will be presented (for the first time here these 5 years,) a Comedy called

The BUSY BODY.

End of the Play, a COMIC SONG, by Mr. Hopkins.

To which will be added, (for the 3d time here,) a Farce called

RAISING THE WIND.

BROCK & JUDAH,

Have received a General Assortment of
FALL & WINTER

GOODS;

WHICH they are now selling at their usual low prices, for cash or produce.

Among which are—

Superfine and coarse Cloths,
Cassimeres, Swansdowns and Toilinets,
Fancy Cord and Velvets,
Coatings; Rose and Duffil Blankets,
Silk, cotton and worsted Hose,
Silk, kid and cotton Gloves,
Bandanna and Romal Handkerchiefs, &c. &c.

Nov. 19, 1804.

The Subscriber has opened a

Broker's Office,

OPPOSITE the Union Tavern and over the counting house of Messrs. Thomas & Amos Ladd. All business confided to him will be transacted with strict fidelity.

THOMAS NORVELL,

Richmond, October 1, 1804. tf

JOHN HENRY,

HAS imported in the ship LATONA, captain Thurston, from Liverpool, a few small boxes of well assorted 4 4ths wide

IRISH LINEN,

purchased in Dublin in July; which, with fine old London particular

MADEIRA WINE,

in pipes and half pipes, he offers for sale on moderate terms. Richmond, 30th October, 1804.

The Subscribers have for Sale,

GERMAN Osnaburgs, by the bale or piece,
Liverpool Table China, in setts, for families,
London Particular Madeira, and
London Particular Teneriffe } *Wines, by the pipe.*

PICKETT, POLLARD & JOHNSTON.

Richmond, Nov. 22, 1804.

NOTICE.

ALL persons having claims against the estate of JACOB WHEATON, deceased, are desired to bring them forward immediately; and all those indebted to the said decedent, are requested to make payment, without delay, to

WM. COOK, Ex'or.

Richmond, Nov. 13, 1804.

GILLIAT & KIRBY,

HAVE JUST RECEIVED,

By the brig Edward and Charles, from London,

A CHOICE AND ELEGANT ASSORTMENT OF
FALL & WINTER

GOODS,

Suitable to the ensuing season.

THEY expect a further supply by the first arrivals from London and Liverpool, to complete their assortment—which will be disposed of at their usual low terms, for Cash or Country Produce.

Sept. 11.

By virtue of a deed of trust, executed to us the subscribers, for the purpose of securing the payment of a debt due from John Evans to John Tinsley, will be sold at public auction, for cash, at John Napier's Tavern, in the town of Columbia and county of Fluvanna, on the 29th day of December next,

4 likely Negro Slaves,

OR so many thereof as will raise the sum of one hundred and seventy eight pounds two shillings and nine pence three farthings, with interest from the 25th day of December last till paid, and the cost and expences of the said deed.

JOHN QUARLES
AND
DAVID JOHNSON, } Trustees.

Fluvanna, November 28, 1804.

For Sale, or to be Hired,

A NEGRO WENCH with a young CHILD.—*Also, for sale,* a NEGRO MAN, who has worked several years as a Pressman in this Office—

Wm. COWAN,

WATCH & CLOCK MAKER,

(ONE DOOR BELOW THE EAGLE TAVERN)

REPAIRS Watches and Clocks, of every description, at the shortest notice. W. C. returns his grateful acknowledgments to his Friends and Customers, and hopes to merit a continuance of past favors.

N. B. He has for sale a few good WATCHES, with a variety of CHAINS, SEALS, KEYS, &c.

December 3d, 1804. eptf

The Subscriber

HAS FOR SALE,

HOLLAND Gin, in pipes; Malaga Wine, in quarter casks; Cotton and Wool Cards, in boxes; Chocolate, per box; White Lead, Spanish Brown, and Yellow Ochre, ground in oil; Nutmegs; Patent Shot; Bar and Sheet Lead; Mould Candles; Writing and Wrapping Paper; Country and Swedish Iron; Sheet ditto; Liver Oil; Copperas; Allum; Flatant Indigo; Refined Salt Petre; Ground Ginger; Pepper; 20d, 12d, 10d and 8d Nails and Brads; German and Blister'd Steel; Cart Boxes; Straws of Tumblers; assortment of Shoes; hhd. and bbl. Gauging Rods; Hamilton's Snuff; Nail Rods; Short Pipes.

HENRY HOVEY.

September 25.

Ten Dollars Reward.

RUN AWAY from the subscriber, on the night of the 18th instant, a Negro Boy, by the name of *JACK*, about 18 years old; his complexion very black; and when spoken to sharply, is apt to stammer.—He formerly belonged to the estate of Mr. Lewis Burwell, dec. from whose estate I purchased him.—His cloathing was a short black broad cloth jacket, corduroy breeches, with shoes and stockings. It is supposed he is lurking about Richmond, or in King William county, where his relations live. Whoever will deliver the said boy to me, living in Manchester, or secure him in any jail, so that I get him again, shall receive the above reward.

All masters of vessels are forewarned from carrying the said boy out of the state, under the penalty of the law.

DAVID PATTESON, Jun.

November 27th, 1804

FAMILY FLOUR.

A CONSTANT supply of FLOUR, of a superior quality, for family use, kept for sale by

GEORGE WATT.

Richmond, March 5, 1804. tf.

NOTICE.

ALL persons indebted to the late firm of *Buchanan, Dunlop & Co.* of Petersburg, *Robert Pollok & Co.* of Richmond, and *Dunlop, Pollok & Co.* of Manchester, are hereby notified, that JAMES DUNLOP, late a partner in the above concerns, has become purchaser of all the outstanding debts: They will therefore be pleased to make payment to Mr. JOHN TOMPKINS, residing in Richmond, or the subscriber, residing in Petersburg—who alone are authorised to make collections, and grant discharges. Suits will be indiscriminately commenced against all who do not make payment before the 1st February next.

JOHN DUNLOP.
Attorney for JAMES DUNLOP.

Petersburg, Nov. 15, 1804. tf

J. TOMPKINS,

RESPECTFULLY informs those concerned, that he has removed the BOOKS and PAPERS of the late concern of ROBERT POLLOK & Co. and DUNLOP, POLLOK & Co. to a new brick house, near the Basin, and directly opposite to the Scale House—

Where he has for Sale,

A few Pipes of old Cogniac Brandy,

of superior quality.

Richmond, December 12th, 1804.

NOTICE.

WE the undersigned partners in the late concerns of Buchanan, Dunlop & Co. at Petersburg; of Robert Pollok & Co. at Richmond, and of Dunlop, Pollok & Co. at Manchester, have sold to Mr. James Dunlop, our late partner, in said concerns, the debts now due to, and outstanding at these different establishments; those interested will therefore please to take notice, that hereafter payments are to be made only to the said Mr. James Dunlop, his attorney or attornies, and to whom those having claims against these concerns will apply for payment.

DAVID BUCHANAN,
By ROBERT POLLOK,
his Attorney.
ROBERT POLLOK.

Virginia, Petersburg, 6th December, 1804. 3m

NOTICE

Is hereby given, to the creditors of JAMES THOMPSON, *against whom a commission of Bankruptcy has been issued according to law,*

THAT the commissioners and assignees of his estate, will meet at their office, in the city of Richmond, on Wednesday the 2d day of January next, at 11 o'clock A. M. in order to make a dividend of his estate and effects; when those creditors who have not proved their debts, must come prepared, or they will be excluded the benefit of said dividend.

SAMUEL MYERS,
WILLIAM M'KENZIE, } Assignees.

Richmond, 27th Nov. 1804. t2Jan.

ADVERTISEMENT.

TO BE SOLD, at Public Auction, at the place formerly known by the name of the Palace, in the city of Williamsburg, on Thursday the 10th day of January, 1805, if fair, if not, the next fair day.

A NUMBER of very valuable and likely SLAVES, and other personal estate of the reverend Samuel Smith M'Croskey, dec. among which are a very valuable collection of BOOKS, and a single CHAIR and HARNESS, and all the stocks of CATTLE, SHEEP, and HORSES, and Farming Utensils belonging to the farm, and the crops of GRAIN, HAY, and FODDER, thereon made—some Household Linen, and other articles.

A credit of six months will be given to all who purchase above the value of Twenty Dollars—the purchasers giving bond with approved security, to carry interest from the date—but if punctually paid, the interest will be remitted. Ready money will be required for all purchases not exceeding twenty dollars.

ELIZABETH M'CROSKEY, *Executrix.*

Williamsburg, November 28th, 1804. tds

BURR & HAMILTON.

Is now opened at Mr. Hallam's Washington Tavern,

A NEW COLLECTION OF

WAX FIGURES,

SUPERIOR to any in America; among which are a striking Likeness and Representation of the late unfortunate DUEL fought between Col. *Aaron Burr*, Vice-President of the United States, and General *Alexander Hamilton*, wherein Gen. Hamilton is supported by his second after receiving the mortal wound, while Col. Burr is led from the field by his second—a striking Representation of the place where the Duel was fought, upon Scenery, which adds much to this interesting Representation, &c.—and a number of selected FIGURES, chosen from the best selections in America.

☞ *MUSIC on an elegant ORGAN.*

Admittance—50 Cents for the first admission—and no person is admitted the second, without paying half price—25 Cents.

Fifty Dollars Reward

WILL be paid to any person who will deliver to the subscriber in this city, a *runaway Negro Boy*, named CLAIBORNE, about 17 years of age. He has a long and smiling countenance, small legs, is round shoulder'd, his colour is between black and mulatto. He has been always employed as a house servant, and does not understand any other kind of business.

He had a great variety of wearing apparel, all of excellent quality, much better than is usually given to servants.

There is a great reason to believe that he has been decoyed or inveigled away by the master of a northern trading vessel, and it is probable he will endeavor to go to Norfolk or Hampton for the purpose of getting on board; and as he is well acquainted on the stage road, and has very good address, he will probably pass for a free man.

THOMAS GILLIAT.

Richmond, December 11th, 1804. tf

WANTED,

AN OVERSEER;

A person well recommended will meet with encouragement on application to the subscriber.

MARY BYRD.

Westover, Charles City county, }
November 29th, 1804. } t/1

NOTICE.

BANK OF VIRGINIA,

Richmond, December 12, 1804.

A GENERAL meeting of the Stockholders will be held at the Bank-house, on the first Monday in January next, for the purpose of electing Directors for Richmond, Norfolk, Petersburg and Fredericksburg, and for other purposes relative to the affairs of the Corporation.

In order that a list of the share-holders may be exhibited, those persons who have not sent in the receipts granted by the commissioners for receiving subscriptions, are requested to transmit them by the day above mentioned, together with the Cashier's receipts for the second instalment, when new receipts will be issued, in lieu thereof, by the President.

JOHN BROCKENBROUGH, Cashier.

SEEDS.

Minton Collins,

RESPECTFULLY informs the Public, that he has just received, per the ship Alexander, from London, a fresh assortment of GARDEN SEEDS: He has likewise lately received, from Philadelphia, an assortment of GRASS SEEDS, which are warranted to be of the last Summer's growth, and may be had at his original Seed-Store, on the Main-street, for ready money only—*viz.*

Red and white Clover Seed.
Lucern and Timothy.
Ryegrass and Burnet.
Saintfoine & Burden Grass.
Furze or When Seed.
Spring Tares, or Vetches.
Hemp, Flax & Rape Seed.
Canary and Spinage do.
White and brown Mustard.
Large Norfolk and Summer Turnip Seed.
Green & white Asparagus.
Large Cabbage and Roman Lettuce.
Grand Admiral and Dutch do.
Green and white Cos do.
Imperial Lettuce.
Salmon and scarlet Radish.
White Turnip and black winter Radish.
Blood red Beet and solid Celery.
Large Parsnip.
Early and late Cucumber.
Red and Orange Carrot.
Cresses and Pepper grass.
Early Frame, Hotspur, and green Prussian Peas.
Dwart Marrowfat do.
Spanish Morarto do.
Early and late York Cabbage.
Early and late sugar loaf do.
Early & late Battersea do.
Green & yellow Savoy do.
Large white winter do
Large white Scotch do.
Flat Dutch & Madeira do.
Red Dutch (to pickle) do.
Brussell's Sprouts do.
Coleworth, early and late Cauliflower.
Green and white Brocoli.
Salsafri and Nasturtium.
Red, Madeira and silver skin Onion.

With an assortment of

FLOWER SEEDS;

Painted Flower Pots, Glass Flower Bottles, Jars and Beakers, in setts; and large red Garden Pots and Pans, &c.

December 15th, 1804.

Westham Iron Foundery,

NEAR RICHMOND.

THE subscriber takes the liberty of informing the Public, that he has taken a lease, and is at present working, the above Foundery; and having provided the best artists in that line, from New-York and George-Town, together with Pig Iron, of the first quality, proposes to cast, Mill Gudgeons and Inks, of every description; also, cast Iron Wheels for the Machinery of Mills; Rumford, registered and plain Grates; grate front and bottoms, for Rumfordizing fire places; large and small stoves; Franklin Stoves, for wood or coal; kitchen grates, with crane and range complete; coach warmers; plain stoves and maul'd plates; cast railing of every pattern, plowshares & plow boards; cast coach, phaeton and chair boxes; scale weights from 1 to 60 lb.; fan and clock weights: patent taw irons for smiths, on a very approved plan; backs, jams and back lays; nail cutting machines with screws complete, wheelbarrow bowlers; garden ditto; cast iron anvils; fire dogs and hand irons of every description—together with any other article in the casting line, to a given pattern, at the shortest notice, by application at the furnace, or to

JAMES DUNLAP, in Richmond.

March 24th, 1804. w3m.

P. S. Old Iron purchased by application as above

Richmond, October 20th, 1804.

PROPOSALS

By RITCHIE & WORSLEY, and AUG: DAVIS,

For publishing by subscription, the

DEBATES AND OTHER PROCEEDINGS

OF THE

VIRGINIA CONVENTION,

ON THE ADOPTION OF THE

FEDERAL CONSTITUTION.

ON the advantages of a work, whose character is so well established, as that of the Debates of the Virginia Convention, it would be useless to expatiate. A work which gives the most comprehensive account extant, of the proceedings and arguments on the adoption of the present constitution of the United States, certainly needs not the passing tribute of the mere mechanical Editor. If the reputation of a book which is so frequently mentioned has not already anticipated these eulogiums of the Editor, such a character, often mercetary, and always partial, can scarcely be expected to bring it into notice. If the merits of the work have been already appreciated, the eulogiums of the Editor will surely be unnecessary.

The Debates of the Virginia Convention are completely out of print. No more than 1500 copies of the first edition were ever *published*; and not more than one edition has ever appeared. Hence it is that the demand for this work has scarcely ever been supplied: and it is hence that the present publishers have been induced to print a second edition.

Several mistakes, which had crept into the former edition, will be corrected: the speeches will sometimes be disposed for a more satisfactory perusal, by distributing them into appropriate paragraphs: and the entire execution of the work will be in every respect more perfect.

CONDITIONS.

1. This work, which was divided into three volumes in the former edition, will now be comprised into one.
2. It will be printed with a new type, on very good paper, in the octavo form.
3. It will be bound in boards. An additional expence of 50 cents will be required for binding it in leather.
4. The price to subscribers will be three dollars, to be paid on the delivery of the copy. Non-subscribers will have to pay four dollars.
5. It is now in the press. The labor of two compositors and two pressmen is constantly employed upon it; and it may be expected to appear in Feb. or March, 1805.

NOTICE.

THE subscribers and members of the Mutual Insurance Company against fire on goods and furniture in the state of Virginia, are hereby requested to attend their annual general meeting, to be held agreeable to their constitution, on the second Wednesday in January, which being the 9th day of next month, by ten o'clock A. M. at the General Office of Insurance, in the city of Richmond.

W. F. AST, Principal Agent M. I. C.

Richmond, 10th December, 1804. cawdw

Virginia:

At a Superior Court of Chancery held in the Capitol in the city of Richmond the 25th day of September 1804,

Between

Robert Dunbar, *Plt.*

And

Henry Field and John Field, *Defts.*

THE defendant John Field not having entered his appearance and given security according to the act of assembly and the rules of this court, and it appearing to the satisfaction of the court, that his not an inhabitant of this country: On the motion of the plaintiff, by his counsel, *It is ordered*, That the said defendant do appear here on the first day of the next term, and answer the bill of the plaintiff; and that a copy of this order be forthwith inserted in some newspaper published in the city of Richmond for two months successively, and posted at the front door of the Capitol in the said city.

A Copy—Teste, P. TINSLEY, c.

Virginia:

At a Superior Court of Chancery held at the Capitol in the city of Richmond the 24th day of September, 04,

Between

Charles Ghequire, *Plt.*

And

Francis Hume and Charles Hume, *Defts.*

THE defendant Francis Hume, not having entered his appearance and given security according to the act of assembly and the rules of this court, and it appearing to the satisfaction of the court, that he is not an inhabitant of this country: On the motion of the plaintiff, by his counsel, *It is ordered*, That the said defendant do appear here on the first day of the next term, and answer the bill of the plaintiff; and that a copy of this order be forthwith inserted in some newspaper published in the city of Richmond for two months successively, and posted at the front door of the Capitol in the said city.

A Copy—Teste, P. TINSLEY, c.

Virginia:

At a Superior Court of Chancery, holden in Richmond, the 29th day of September, 1804,

BETWEEN

William Harris, administrator of Francis Thorpe *Plff.*

AND

Moses Austin & Company, *Dfts.*

THE defendants, who are out of this country, and against whom the plaintiff appears to have proceeded in the mode by law prescribed; such cases, not having entered their appearance, and given security to perform the decree, the court this twenty-ninth day of September, in the year of our Lord, one thousand eight hundred and four, upon the motion of the plaintiff, by counsel, doth take his bill for confessed, and refer the accounts between the parties to one of the commissioners, to be by him examined, stated, settled, and to the court reported, with any matters specially stated, thought pertinent by himself, or required by the parties to be so stated.

Teste, P. TINSLE, C. C.

Virginia:

At a Superior Court of Chancery held at the Capitol in the city of Richmond the 26th day of September, 1804,

Between

Jesse Chowning, Reuben Chowning and John Barnet, *Plts.*

And

John Michie, George Michie, Turner Anderson, acting executor of George Chowning, dec. and Joh Downing and Polly his wife, Patrick Michie, Nancy Sally, Matthew and Robert Michie, and John Michie and Lucy his wife, *Defts.*

THE defendant George Michie having entered his appearance and given security according to the act of assembly and the rules of this court, and it appearing to the satisfaction of the court, that he is not an inhabitant of this country: On the motion of the plaintiffs, by counsel, *It is ordered*, That the said defendant do appear here on the first day of the next term, and answer the bill of the plaintiffs; and that a copy of this order be forthwith inserted in some newspaper published in the city of Richmond for two months successively, and posted at the front door of the Capitol in the said city.

A Copy—Teste, P. TINSLEY, c. c.

Virginia:

At a Superior Court of Chancery held at the Capitol in the city of Richmond the 25th day of September, 1804,

Between

Thomas Coleman, *Plt.*

And

James and Robert Dunlop, surviving partners of Dunlops and Crosse, and Edmund Pendleton, jun. *Defts.*

THE defendants James and Robert Dunlop, not having entered their appearance and given security according to the act of assembly and the rules of this court, and it appearing to the satisfaction of the court, that they are not inhabitants of this country: On the motion of the plaintiff, by his counsel, *It is ordered*, That the said defendants do appear here on the first day of the next term, and answer the bill of the plaintiff; and that a copy of this order be forthwith inserted in some newspaper published in the city of Richmond for two months successively, and posted at the front door of the Capitol in the said city.

A Copy—Teste, P. TINSLEY, c. c.

At Albemarle October Court, 1804.

Harwood Bacon and Thomas Boyd, *Plts.* } Chan'ry
Against
James W. Moss and Robert Thrift, *Defts.* }

THE defendant James W. Moss, not having entered his appearance and given security according to the act of assembly and the rules of this court, and it appearing to the satisfaction of the court, that he is not an inhabitant of the state: On the motion of the plaintiffs, by their counsel, *It is ordered*, That the said defendants do appear here on the first Monday in March next, and answer the bill of the plaintiffs; and that a copy of this order be forthwith issued in some public newspaper in the commonwealth for two month successively, and posted at the front door of the courthouse of the said county.

Teste, JOHN NICHOLAS, c. A. c.

Virginia:

At a Superior Court of Chancery, held at the Capitol, in the city of Richmond, the 10th day of September, 1804,

Between

Anthony Buck, executor of William Glassell, deceased, *Plaintiff,*

And

——— ——— ——— ——— Executors of Rebecca Blackhouse, deceased, and Patrick Home, executor of James Hunter, *Defendants.*

The defendants, ——— ——— ——— ——— executors of Rebecca Blackhouse, deceased, not having entered their appearance and given security according to the act of assembly, and the rules of this court, and it appearing to the satisfaction of the court, that they are not inhabitants of this country: On the motion of the plaintiff, by his counsel, *It is ordered*, that the said defendants do appear here on the first day of the next term, and answer the bill of the plaintiff; and that a copy of this order be forthwith inserted in some newspaper published in the city of Richmond, for two months successively, and posted at the front door of the Capitol in the said city.

A Copy—Teste, P. TINSLEY, c. c.